Previous references.

G. Notfn. No 11676/E×476 dt 14-6-98.

1901-02

(Sup. Rev.)

File No. 16 Z 00

Serial Nos. 1 - 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 2

Major **Part B. for** July 1901

SUBJECT.

Date trees on the disputed ground in the Kadehadi jilla. Chitaldrug Dist.

1. From The Excise Com^r. No. 6211/399 dt 2/4-6-01. Reports with his opinion a case in which 6 date trees standing on Sy. nos. 36+49 of the Kadehady village have been marked & licensed by the Mysore Abkari Officials.

2. To The Excise Com^r. No. 85/E×13 dt 3-7-01. Returns the records re the above with the intimation that the matter is under correspondence with the Revenue

G. B. S. 58

1-3 Me

Note

1660

In December 1899 it was brought to the notice of the Excise department that some date trees standing on Survey No. 36 & 49 of the Kadehode village in the Chellakere ~~village~~ Taluk were marked and licensed by the Madras Abkari Officials without the consent of the owners of the said Survey Nos. After some correspondence, the matter was referred by the Excise Commr. to the Revenue department for enquiry and report. The Assistant Commr. who was deputed for the work, reported in his letter No. 76 & 2nd May 1901 to the address of the Dy. Commr. to the following effect :—

That from the enquiry

p/ examination of records &
boundary marks — & ~~date~~ of the date
trees marked by the madras
Sokari officials belong to
the mysore state, and that it
was a mistake on the part of
the madras officials to have
marked them without the
knowledge of the mysore
Govt officials.

(2) that therefore the tree rent
at 4 annas a tree amounting
to Rs 1-8 plus local cess
thereon should be received
from the madras ryots, the
tree rent being paid to
the poor ryots owning the
survey numbers in question
& the local cess of 0-1-6
being credited to Govt

The above letter was forwarded
to the Excise Commr who
in his letter under reference
states —

(1) that as under the
arrangement settled
~~Note~~ clause (ii) of para 17 of
Rule IV of notification

dated 14th June/28 (put up). the tree tax of the tree referred to shd go to Madras Govt as the trees were tapped for the supply of toddy to the shop in the Madras presidency.

(2) that the Govt of Mysore are not entitled to the tree rent nor to the local cess as opined by the asstt Collector.

(3) but that the occupants of these survey numbers are entitled to tree rent at annas 4 per tree.

The Asstt Collector further states that he is of opinion that tree rent at 4 annas on 6 date trees shd be received from the Madras presidency and paid to the owners of the trees.

Orders are solicited as to whether a reference shd be made to

Residency as supported by
the Excise Commr.

In para 2 of his letter
the Excise Commr says
that a reference on the subject
of the rectification of boundary
~~marks~~ line of the survey no 36
referred to seems to have been
made in the Revenue department
to the Madras Government.
A reference has been made
to the Residency (This Office + put up.
Letter no $\frac{8299}{2852}$ of 22 S. 1900)
in the matter of settlement of
boundary & marks of certain
Survey nos in several villages
of the Chellakere Taluk en-
croached upon by the Madras Govt.
In this reference the survey
nos 36 & 49 of the Kadchode
village (no 17) are also included.
The Assistant Commr in para
6 of his letter to the Dy Commr
states that the final settlement
of the boundary marks referred

to above, does not in any way affect his views regarding the right of the date trees in dispute.

Submitted to the L.C. for orders.

VC 19/6/07 — 21/6/07

Rec'd 21.6.1907

Issue notice to the Revenue Officer to cut down the trees and remove them according to law.

22/6/07

Put up a clear draft

22/6/07

Submitted again to the Councillor.

From the file of Revenue Papers, it seems that there is a pending bona fide dispute about boundaries between the Madras Govt.

until that is disposed of, we cannot ask for either tree-rent or for a cessation of the irregular practice. The owners ~~have~~ of the trees in dispute have not applied to us for help. All that we are really entitled to is to complain against encroachment on our jurisdiction: but this can be made out only if the dispute is clearly decided in our favour.

A Plan of the situation of the numbers of trees in dispute ~~for~~ be helpful but is not in the record. I should consider the best course & be to await the decision of that question

27/6/1901

Rec'd 27/6/01.

Thanks - I was invited by the last mentioned of Nava b. of the H. Hairmiaulaig's letter of 30th April/07 which I understood ~~that~~ to mean that there was no connection between the detention of the bus in question & the encroachment on Lyron Land regarding which some correspondence was required between the two Govts. Under-Secretary Foreign Office on which action has been taken in the New Delta & the two papers & letters in the Cyprus file show that the bus in question (that on the identical Nos & 49 of Hadchinde which are said to have been purchased recently marked not a British Vessel

The Queen must go with the Land - Regarding the Letter of Amendation - Hon & Gt Protection are going on - The result must of course be awaited - The Cyclist Corps may be mentioned that the Question of the Boundary (Mr Anderson Correspondence & Mr Hotz's Petition & Memorial Concerning the Boers would be made if necessary

28/6/07

Ozmer Hyne
28/6

Meeting the Mato on which the Boers made a Question regarding Land

Ex. 449

DEPARTMENT
189 N - 01
OFFICE

Submitted with a note

KE
19/6/01

From
The Excise Commissioner
87/ in Mysore

To SR. 16 of 00
The Secretary to Govt. of Mysore
General and Revenue Dept.

Dated 2d
Despatched 4 } June 1901.
Received

General No. 6211b
No. 399
Enclosure No. 2 files

Subject

Reports with his opinion a case in which six date trees which are situated within the limits of Kadekode village in the Chikkakere taluk, have been marked and licensed by the Madras abkari officials.

R
576.01

Refer incomplete & the Collr
not quite up
18/6/01.

No. 6211 Exc 2 files
399

Excise Commissioner's Office,
Bangalore, Dated 2d June 1901

From

The Excise Commissioner
in Mysore

To

The Secretary to Government of Mysore
General and Revenue Departments

Sir,

I have the honor to submit herewith copies of docket no. 290, dated 25th/28th May 1901, from the Deputy Commissioner, Chitaldrug District and of letter no. 76, dated 30th April 1901 from the 2d General Assistant Commissioner, Chitaldrug District, to the Deputy Commissioner, together with the original enclosures of the latter, reporting upon seven date trees in survey nos. 36 and 49 of Kadekode Village in the Chellakere taluk, which have been marked and licensed by the Madras Abkari officials for drawing toddy. It

will

will be seen from the reasons given by the
2d. General Assistant Commissioner who
inspected the trees, that one of the seven trees
in dispute belongs to Valasa village of the
Madras Presidency, and the remaining six
trees to Kadekode village in the Chellakere
taluk. But as the trees have been marked
and licensed by the Madras abkari
officials for supply of toddy to the shops in
the Madras Presidency, the tree tax on these
six trees is payable to the Madras Government
as per clause (ii) of para 14 of Rule IV in
Government notification No. 11676/Ex476, dated
14th June 1898; and as the trees belong to
the occupants of the said survey nos. 36 and
49, the mysore Durbar is not entitled
to tree rent not even to local cess as
opened by the 2d General Assistant
Commissioner. But the occupants of the
said survey nos are entitled to tree rent
at such rate as the licensees of the shops
in the Madras Presidency ought to have
settled

d with the occupants, and as the trees have been tapped without the — Consent of the latter by the licensees of the shops in the Madras Presidency, on the ground that they have been marked and licensed by the Madras abkari officials under the belief that the trees are — situated within the Madras Presidency, I am of opinion that the tree-rent at the Mysore Government rate, viz four annas per tree, may be recovered from the — Madras Presidency and paid to the — owners of the trees.

2. As stated in para 6 of the 2d. General Assistant Commissioner's letter, the rectification of the boundary line in the aforesaid Survey No. 36 by the Madras survey Department, seems necessary; and a reference on this Subject appears to have been made in the Revenue Department to the Madras Government.

I have the honor to be,

Sir,

your most obedient servant

M Krishnaya

Excise Commissioner in Mysore

Draft for as per

81.2
SR. 16 of 00

The Chief Conservator

Dated 3rd July 1901

Dated June 1901

His letter no 6211/A 3991 of

The 2nd instant reporting

whether in his opinion a case in

which six date trees standing on the Survey nos 36 & 49 of

~~situated within the limits~~ the Kadehode village, Chikodi

Chikodi Taluka have been

marked & licensed by the Madras

Abkari Rules and suggesting

a reference being made to the Resident

in the matter of receiving fees

on date trees from

the Madras Government.

With reference to the

above has the honor to

state that the question of

boundaries affecting the

plots on which the trees under advertence seem to be stand, is under correspondence with the Residency and that after its decision a reference concerning the trees in question will be made if necessary.

The records received with this letter under advertence are herewith returned.

"B. O."

29/6/07

For Secretary

29/6/07.

Draft as per order

GOVERNMENT OF MYSORE

To

The First Assistant
to the Resident in Mysore

Sir,

I am directed to state that the Excise Commr in Mysore, brings to notice a case in which 7 date trees ~~which stood~~ standing on the Survey nos 36 & 49 of the Kadehode village of the ~~Chit~~ Chikadurg ~~Dist~~ ~~Land~~ ~~Deed~~ marked and licensed in 1899, by the madras Abkari Officials without the knowledge of the Darbar Officials. The enquiry held in the matter shows that of the 7 date trees in ~~dispute~~ question, one belongs to Valase village of the madras

Ist warned

to future holders of the Survey
numbers in question; and the prevention of a
recurrence of such irregularities ~~on the part~~
of the ~~Revenue Officers of the~~ Taluk in future.

I have &c

25/6/01

Secretary

25/6/01.

or in the absence of such agreement at ₹ As a tree.

settled with them as to the trees have been tapped without the consent of the owners, probably under the belief that they were situated within the limits of the Madras Presidency, the Darbar are of opinion that in the absence of such any settlement between the owners of trees & the licensees, the owner tree owners are entitled to tree rent at the impost rate viz 4 annas a tree.

The Act was done by the Madras Excise Dept. officials probably under a misapprehension that the trees lay within their borders.

I am therefore to request the favour of the Hon'ble the Resident being moved to address the Govt of Madras in the matter with a view to the amount viz Rs 1-8 -- being recovered from that Govt for payment

presidency and the remaining six to the Kadehode village of the Mysore State. As the six trees in this case have been licensed for the supply of toddy to the shops in the Madras presidency, the tree tax on them is rightly ~~recovered~~ credited to the Madras Govt in accordance with the settlement made under clause (ii) para 17 of Rule IV published under Govt notification no 11676/m476 dated 14th June 1895 a copy of which is enclosed for ready reference. But the tree rent should have been paid to the occupants of the said survey numbers at such rate as the licensees of the shops in the Madras presidency ~~ought to have~~ might

granting of permission & the marking of the trees shd have been done by the Mysore Excise Offrs & the